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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 UNITED STATES OF AMERICA, ) No. CR 07-00470 CW  
11 v. ) AMENDED  
12 Plaintiff, ) STIPULATION AND ORDER TO  
13 ) EXCLUDE TIME  
14 HEIU THAI, ) Date: December 5, 20067  
15 Defendant. ) Time: 2:30 p.m.  
15 ) Court: Hon. Claudia Wilken  
15 ) U.S. District Court  
15 \_\_\_\_\_)

16 This matter is currently scheduled for a status hearing on Wednesday, December 5, 2007, at  
17 2:30. The parties jointly request that this hearing date be continued to the new date of January 23,  
18 2008, at 2:30 p.m. At this time, defendant is still completing additional investigation regarding Mr.  
19 Thai's role in the charged offense. In addition, the parties are in negotiations regarding possible  
20 resolution. Defendant requires this additional time to complete the pending investigation. Also,  
21 during this time defense counsel will be out of the office and unavailable for two weeks.

22 The parties further stipulate and agree that the time between December 5, 2007, and January  
23, 2008 should be excluded under the Speedy Trial Act to afford the defendant the reasonable time  
24 necessary for effective preparation, and for continuity of counsel. 18 U.S.C. §3161(h)(8)(A) and  
25 (b)(iv).

26

1 SO STIPULATED.

2 Dated: December 3, 2007

/S/

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 HILARY A. FOX  
4 Attorney for Defendant Thai

5 SO STIPULATED.

6 Dated: December 3, 2007

/S/

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 KESLIE STEWART  
8 Assistant United States Attorney

9 **SIGNATURE ATTESTATION**

10 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
11 a "conformed" signature (/S/) within this e-filed document.

12 **ORDER**

13 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is hereby  
14 ORDERED that the hearing currently set for Wednesday, December 5, 2007, at 2:30 p.m. is  
15 **23**  
16 continued to Wednesday, January 3, 2008, at 2:30 p.m. in the Federal Courthouse in Oakland,  
17 California. The Court further finds that the period from December 5, 2007 through January 23,  
18 2008, shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (b)(iv), because  
19 the ends of justice served by this continuance outweigh the best interest of the public and the  
20 defendant in a speedy trial. The Court finds, based on the stipulation of the parties, that the  
21 continuance is necessary to afford the defendant the reasonable time necessary for effective  
22 preparation, taking into account the exercise of due diligence, and for continuity of counsel.

23 IT IS SO ORDERED.

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25 Dated: \_\_\_\_\_, 2007

26   
CLAUDIA WILKEN  
United States District Court